HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Revision No. 448/2001
(Old No. 2039 of 1993)

Dhyan Singh ……Revisionist

Vs.

Sri K.P. Singh and others …….Respondents

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri H.C.Pandey learned A.G.A. for the State and perused the record.

The state case on which the cognizance was taken under section 19(1)(b) of the Code of Criminal Procedure (for short 'Code') was dismissed for want of prosecution by the learned Magistrate per judgment and order dated 24.6.1993. The order was challenged in revision by the complainant and the learned IInd Addl. Sessions Judge, Dehradun accept the contention of the complainant that the sate case could not have legally been dismissed for want of prosecution. It appear that the learned Magistrate dismissed the criminal revision o n the premise that it was a criminal complaint case without considering that the cognizance was taken on the police report. The learned Sessions Judge was therefore fully justified in set-asiding the order passed by the learned Magistrate and there being no illegality and impropriety in remanding the case for decision. The revision lacks merit and liable to be dismissed. The petition is dismissed and stay order dated 14.12.1993 is vacated. The Magistrate concerned is directed to expedite the trial of the case no. 641/1991.

(Irshad Hussain, J.)

Date 24.4.2004
Rawat.